GOVERNOR AND EXECUTIVE COUNCIL MINUTES State House, Concord, New Hampshire January 21, 2004 10:00 a.m.

The Governor and Executive Council convened at 10:00 a.m. with all members present

The Governor and Executive Council on motion of Councilor Spaulding, seconded by Councilor Burton accepted the minutes of January 7, 2004.

The Governor and Executive Council, on motion of Councilor Wheeler, seconded by Councilor Griffin confirmed the appointment of several persons nominated for Civil Commissions from the January 7, 2004 meeting.

The Governor placed in nomination the several persons who applied for Civil Commissions.

The Governor and Council, on motion of Councilor Griffin, seconded by Councilor Wheeler, voted to set the date for a special election for state representative in Rockingham County District No.82.

CONFIRMATIONS

The Governor and Council confirmed the following:

Air Resources Council

Public Member

William M. Clifford, Manchester Effective: January 21, 2004 (Replacing Paul Kleinman) Term End: January 21, 2008

Ballot Law Commission

Representing Republican Party

Stephen M. Duprey, Concord Effective: January 21, 2004 (Filling Vacancy) Term End: January 21, 2008

Division for Children, Youth, and Families Advisory Committee

Merrimack County

Susan E. Lynch, Hopkinton Effective: January 21, 2004 (Reappointment) Term End: July 1, 2006

Board of Chiropractic Examiners

Public Member

Christopher McRae, Goffstown
(Replacing Ronald D. Stowers)

Effective: January 21, 2004
Term End: December 28, 2008

Community Technical College System

Deputy Commissioner Effective: January 21, 2004 Charles W. Annal, Concord Salary: 89,128 II 05 max

(Filling Vacancy) Term End: serve at pleasure of board of

trustees

Department of Corrections

Director of Division of Administration

Robert Mullen, Windham

(Replacing Donald Veno)

Effective: January 21, 2004

Term End: serve at pleasure of

Commissioner

Salary: \$69,533 GG 03

State Board of Education – Councilor Wheeler voted – \mathbf{no} , to this confirmation.

District 1

William D. Walker, Campton
(Replacing Gail Paine)

Effective: January 21, 2004
Term End: January 31, 2008

Physical Therapy Governing Board

Physical Therapist Assistant

Wendy Farricy, Laconia Effective: January 21, 2004 (Replacing Judith Mary Cote) Term End: January 8, 2007

Poet Laureate

Cynthia Huntington, Hanover Effective: March 22, 2004 (Replacing Marie Harris) Term End: March 22, 2009

New Hampshire Superior Court

Chief Justice

Robert J. Lynn, Windham

(Filling Vacancy)

Effective: January 21, 2004

Term End: upon age limit of 70 yrs

Salary: \$124,593

Telecommunications Planning and Development Advisory Committee

Industry

Donald Brough, Laconia Effective: January 21, 2004 (Replacing: Thomas Lyle) Term End: October 18, 2006

Volunteer New Hampshire Board of Directors

Business Community

Patrick Kirby, Stratham Effective: January 21, 2004 (Replacing James W. Milliken) Term End: October 10, 2006

State Commission on the Status of Women – Designating Secretary

Janice Markey, Center Tuftonboro Effective: January 21, 2004

NOMINATIONS

The Governor placed into nomination the following:

Franklin District Court

Justice

Edward R. Thornton, Moultonborough Effective: Upon Confirmation (Filling Vacancy) Term: upon age limit of 70 yrs

Salary: \$116,806

Department of Health and Human Services

Senior Division Director Effective: Upon Confirmation Mary P. Castelli, Chichester Term: 4 yrs from confirmation Salary: \$84,619 JJ 03

(Filling Vacancy)

Medical Review Subcommittee

Public Member Effective: Upon Confirmation Term: December 3, 2006 Richard E. Amidon, Hancock

(Reappointment)

Medical Review Subcommittee

Rep. Board of Medicine Effective: Upon Confirmation Kevin R. Costin, Manchester Term: December 3, 2004 (Replacing Wassfy M Hanna)

Midwifery Council

Obstetrician Effective: Upon Confirmation Lisa K. Stolper, Gilsum Term: September 28, 2007

(Replacing Gerald L. Hamilton)

Mount Washington Commission

Representative of NH Senate Effective: Upon Confirmation John T. Gallus, Berlin Term: 5 yrs from confirmation (Filling Vacancy)

Pari-Mutuel Commission

Interest of Thoroughbred and Harness Horse Racing Effective: Upon Confirmation Michael J. Gatsas, Manchester Term: January 21, 2007

(Replacing Dearborn Wingate)

Board of Registration of Podiatrists

Public Member Effective: Upon Confirmation Stephanie Caldon, Tilton Term: August 4, 2007

(Filling Vacancy)

Respiratory Care Practitioners Governing Board

Carl J. Rod, Lancaster Effective: Upon Confirmation

(Replacing Mark E. Favorite) Term: March 4, 2007

Department of Safety

Assistant Bureau Chief of the Division of Fire Safety and Emergency Management

Kathryn E. Doutt, Harrisburg, PA Effective: Upon Confirmation

(Filling Vacancy) Term: serves at pleasure of commissioner

Salary: \$66,779 EE 05

The following were nominated to the Souhegan River Water Management Planning Area Advisory Committee:

Local River Management Advisory Committee Representative

Spencer C. Brookes II, Wilton Effective: Upon Confirmation

Diane Fitzpatrick, Milford Effective: Upon Confirmation

Affected Business Water users in the WMPA

Monadnock Mountain Spring Water/Quality Control Manager Effective: Upon Confirmation

F. Vincent Gerbino, Francestown

Amherst Country Club Effective: Upon Confirmation

Wallace Warren, Amherst

Pennichuck Water Works Effective: Upon Confirmation

Stephen J. Densberger, Nashua

Pike Industries, Inc Effective: Upon Confirmation

Larry Major, Wilton

Conservation Commission Member from a Town or City in the WMPA

Milford Conservation Commission/Member Effective: Upon Confirmation

Pierce Rigrod, Milford

Government Official Representatives from a Town of City in the WMPA

Representing Town of Amherst

Gordon Leedy, Amherst Effective: Upon Confirmation

Representing Town of Merrimack

Nelson R. Disco, Merrimack Effective: Upon Confirmation

Representing Town of Milford/Director, Milford Public Works

William F. Ruoff, Milford Effective: Upon Confirmation

Recreational Use Representative from the WMPA

Chairman

George May, New Ipswich Effective: Upon Confirmation

Community Citizen Representative from a Town of City in the WMPA

Former NH House Agriculture and Environment Committee/State Representative

Timothy D. O'Connell, Milford Effective: Upon Confirmation

Representative of Conservation Interests in the WMPA

Nashua Regional Planning Commission/Interim Land Use Program Coordinator

Angela Rapp, Nashua Effective: Upon Confirmation

State Senator in a Town of City in the WMPA

NH State Senate

Andrew R. Peterson, Peterborough Effective: Upon Confirmation

State Representative in a Town or City in the WMPA

NH House of Representatives

Pierre W. Bruno, New Boston Effective: Upon Confirmation

Representative of a Lake Association in the WMPA

Pratt Pond Association/President

Nancy Rose Redling, New Ipswich Effective: Upon Confirmation

Public Water Supplier in the WMPA

Town of Milford Department of Public Works

Thomas Neforas, Milford Effective: Upon Confirmation

Affected Dam Owner in the WMPA

Alden Engineering

Alden T. Greenwood, Greenville Effective: Upon Confirmation

Affected Agricultural Water User in the WMPA

Peter de Bruyn Kops, Amherst Effective: Upon Confirmation

OFFICE OF ENERGY AND PLANNING

The Governor and Council acted as follows:

- #1 Authorized to enter into an agreement with the Gundalow Company, Portsmouth, NH, for the purpose of establishing a marine educational program, in the amount of \$10,000. Effective upon G&C approval to December 31, 2004. **Federal Funds.**
- #2 Authorized to enter into an agreement with the Town of Seabrook, NH, to replace the failing bulkhead sheet pile wall at the Yankee Fish Cooperative, in the amount of \$50,000. Effective upon G&C approval to December 31, 2004. **Federal Funds.**

COMMUNITY DEVELOPMENT FINANCE AUTHORITY

- #3 Authorized under the Community Development Block Grant Program, to enter into an agreement with the County of Belknap, Laconia, NH, for the purpose of renovating two properties to provide eighteen units of low to moderate income rental housing, in the amount of \$460,763. Effective upon G&C approval through June 30, 2005. **Federal Funds.**
- Authorized under the Community Development Block Grant Program, to enter into an agreement with the Town of Seabrook, NH, for the purpose of rebuilding the town's fishing pier, in the amount of \$389,750. Effective upon G&C approval through December 31, 2004. **Federal Funds.**
- #5 Authorized under the Community Development Block Grant Program, to **retroactively** amend an agreement with the Town of Northumberland, Groveton, NH, (previously approved by G&C on 7-10-02, item #12A), for the purpose of making water and sewer improvements to the town, by extending the completion date from December 31, 2003 to December 31, 2004.
- #6 Authorized under the Community Development Block Grant Program, to **retroactively** amend an agreement with the Town of Northfield, NH, (previously approved by G&C on 6-26-02, item #5), for the purpose of upgrading water and sewer, by extending the end date from December 31, 2003 to December 31, 2004.

- #7 Authorized under the Community Development Block Grant Program, to **retroactively** amend an agreement with the Town of Seabrook, NH, (previously approved by G&C on 2-6-02, item #7), for the purpose of conducting a feasibility study on health services by changing the end date from June 30, 2003 to June 30, 2004.
- #8 Authorized under the Community Development Block Grant Program, to **retroactively** amend an agreement with the Town of Jaffrey NH, (previously approved by G&C on 6-26-02, item #16), for the purpose of replacing the existing water system by changing the end date from December 31, 2003 to June 30, 2004.
- #9 Authorized under the Community Development Block Grant Program ,to **retroactively** amend an existing agreement with the Town of Northwood, NH, (previously approved by G&C on 8-22-01, item #7), for the purpose of upgrading deficient sewer systems, by extending the end date from June 30, 2003 to June 30, 2004.

OFFICE OF THE ADJUTANT GENERAL

The Governor and Council acted as follows:

- #10 Authorized Stephen M Buck, Greenland, NH, be confirmed to the rank of Lieutenant Colonel, NH Air National Guard.
- #11 Authorized William N Reddel III, Londonderry, NH, be confirmed to the rank of Colonel, NH Air National Guard.
- #12 Authorized to enter into a no cost amendment to the existing memorandum of agreement with the Fish and Game Department (previously approved by G&C on 2-5-03, item #16), to perform Habitat Management and Monitoring of the Concord Municipal Airport Conservation Zones, by extending the agreement from January 31, 2004 to April 30, 2004. (2)Further authorized Fish and Game to accept and expend the funds to support the agreement from January 31, 2004 to April 30, 2004. 100% Federal Funds.
- #13 Authorized to accept and place on file the Annual Report for 2003.

DEPARTMENT OF ADMINISTRATIVE SERVICES

The Governor and Council acted as follows:

- #14 Authorized to accept and place on file a list of agency transfers, as detailed in letter dated January 7, 2004, for Fiscal Year 2004 during the month of December.
- #15 Authorized a Working Capital Warrant in the amount of \$350,000,000 to cover expenditures for the Month of February 2004. (2)Further Authorized to accept a Working Capital Warrant reporting expenditures of \$456,344,839.94 for the Month of December and recommends the balance of \$113,655,160.06 be lapsed.
- Authorized the quarterly revised schedule and status report of Capital Budget Projects, as detailed in letter dated January 8, 2004, under Chapter 226, Laws of 1999; Chapter 32, Laws of 2000; Chapter 132, Laws of 2000; Chapter 283, Laws of 2000; Chapter 202, Laws of 2001; Chapter 81, Laws of 2002; and Chapter 240, Laws of 2003.

TREASURY DEPARTMENT

#17 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Wheeler, authorized to issue a warrant from funds not otherwise appropriated and the State Treasurer to issue checks in the amount of \$9,043.18 to the rightful owners of abandoned or unclaimed funds.

NH DEPARTMENT OF AGRICULTURE, MARKETS & FOODS

The Governor and Council acted as follows:

#18 Authorized to enter into a contract with Rockingham County Conservation District, Brentwood, NH, to provide administrative services for the State Conservation Committee, in the amount of \$20,000. Effective upon G&C approval through June 30, 2004. **100% General Funds.**

#19 Authorized to enter into a contract with Rockingham County Conservation District, Brentwood, NH, to provide administrative assistance to the State Conservation Committee for their Conservation Number Plate Grant Program, in the amount of \$25,000. Effective upon G&C approval through June 30, 2004. **100% Other Funds.**

DEPARTMENT OF CULTURAL RESOURCES

The Governor and Council acted as follows:

- #20 Authorized New Hampshire State Library, to accept and expend a grant in the amount of \$23,550 from the Bill & Melinda Gates Foundation, for the training of Librarians. Effective upon G&C approval through June 30, 2005. **100% Other Funds.**
- #21 Authorized Division of Arts to award a Community Arts Project Grant to the AVA Gallery and Art Center, Lebanon, NH, in the amount of \$2,000. **100% General Funds.**
- #22 Authorized Division of Arts to award a Conservation Number Plate Grant in the amount of \$10,000 to the Franklin Opera House Inc., Franklin. **100% Other Funds.**

NH RETIREMENT SYSTEM

- #23 NOT USED
- #24 The Governor and Council on motion of Councilor Wieczorek, seconded by Councilor Burton, authorized to accept and place on file the fiscal year 2003 Comprehensive Annual Financial Report.

ATTORNEY GENERAL

The Governor and Council acted as follows:

- #25 **DENIED** The Governor and Council on motion of Councilor Burton, seconded by Councilor Griffin, voted to **deny** the petition of Jason Alan Lavoie requesting a pardon hearing for the offense of Burglary. Mr. Lavoie is not eligible for an annulment.
- #26 Authorized to designate Charles Keefe as an attorney at a salary of \$53,000. Effective February 9, 2004.
- #27 Authorized to **retroactively** amend a sub-grant award with The Support Center County Community Action Program, (previously approved by G&C on 9-4-02, item #43), for crisis shelter health and safety renovations from the current end date of December 31, 2003 to June 30, 2004. **100% Federal Funds.**
- Authorized to accept and expend a grant in the amount of \$248,179 from the NH Department of State, to implement provisions of the federal Help America Vote Act. Effective upon G&C approval through June 30, 2005. **100% Other Funds.**
- #29 NOT USED
- #29A Authorized to **retroactively** reappoint Bruce J. Marshall as an Assistant Attorney General for a five-year term. Effective September 4, 2003 through September 4, 2008.
- #29B Authorized to **retroactively** reappoint Constance N. Stratton as an Assistant Attorney General for a five-year term. Effective October 31, 2003 through October 31, 2008.
- #29C Authorized to **retroactively** reappoint Stephen D. Fuller as an Assistant Attorney General for a five-year term. Effective October 31, 2003 through October 31, 2008.

HIGHWAY SAFETY AGENCY

#30 The Governor and Council on motion of Councilor Burton, seconded by Councilor Wieczorek, authorized to amend a contractual agreement with Edgel E Crabtree, Bow, NH, (previously approved by G&C on 12-4-02, item #32), by extending the termination date from March 31, 2004 to March 31, 2005, and increasing the contract amount by \$49,300 from \$48,850 to \$98,150. (2)Further Authorized to renew and extend this **sole source** contract for up to one additional year contingent upon approval and receipt of federal funds. **100% Federal.**

PUBLIC UTILITIES COMMISSION

The Governor and Council acted as follows:

- #31 Authorized to reclassify position #14347, Accounting Technician, salary grade 12, to a Clerk IV, salary grade 12. Effective upon G&C approval.
- #31A Authorized to continue its membership and participation in the New England Conference of Public Utilities Commissioners, for an amount of \$24,000. **100% Other Funds.**

EMPLOYMENT SECURITY

The Governor and Council acted as follows:

- #32 Authorized to enter into an agreement with the Workforce Opportunity Council Inc., for customer satisfaction survey services related to assisting the State of NH in the continued administration of the Workforce Investment Act including the continued operation and expansion of the One-Stop System, in the amount of \$14,400. Effective upon G&C approval through December 31, 2004. **100% Federal Funds.**
- #33 Authorized to enter into a **retroactive** second amended service agreement with American Air Systems for Heating, Ventilation and Air Conditioning System installation services at NHES's offices in Laconia, NH, by extending the completion date from December 31, 2003 to June 30, 2004. **100% Other Funds.**

LIQUOR COMMISSION

The Governor and Council acted as follows:

- #34 Authorized to amend G&C item #33 approved on 1-7-04, by changing the funding source of Sweepstake Incentive Award Funds to be accepted by the Liquor Commission. The Sweepstakes Incentive award funds were received from the Multi-State Lottery Association, Urbandale, IA, not the Tri State Lotto Commission, as stated in the original item.
- #35 Authorized to accept and place on file the Annual Report and Statistical Appendix for the period ending June 30, 2003.

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

The Governor and Council acted as follows:

- #36 Authorized to accept and expend an additional \$15,000 of federal funds from the Office of State Planning and Energy for activities and services for NH Industries of the Future program. Effective upon G&C approval through June 30, 2004.
- #37 Authorized Trails Bureau to accept a gift of a Recreational Trail Easement on the former Boston and Maine Railroad property in Bethlehem, NH, from Peter and Wilma Low of Bethlehem, NH.
- Authorized Trails Bureau to reimburse the Westmoreland Sno-Belters Snowmobile Club, Westmoreland, NH, for emergency storm damage repair to the Mill Stream recreational bridge, in the amount of \$6,588.75. Effective upon G&C approval. 100% Federal Funds.

NH FISH AND GAME DEPARTMENT

The Governor and Council acted as follows:

#39 Authorized to accept and expend an additional \$17,017 in federal funds from the National Oceanic and Atmospheric Administration to implement biological monitoring of marine organism larvae in the Great Bay Estuary. (2)Further Authorized on behalf of the Great Bay National Estuarine Research Reserve to enter into a **sole source** Cooperative Project Agreement with the University of NH, for the purpose of developing a biological monitoring component, in the amount of \$17,000. Effective upon G&C approval through June 30, 2004.

- #40 Authorized to enter into a Challenge Cost-Share Agreement with the United States Department of Agriculture Forest Service, White Mountain National Forest FS to continue with the development and implementation of a Mountain Safety Program in the White Mountains. Effective upon G&C approval through September 30, 2005. (2)Further authorized to accept and expend an additional \$33,125 from the FS for the period from G&C approval through September 30, 2005. (3)Further authorized to enter into a **sole source** contract with Glen Group, Inc., North Conway, NH, to design and implement a Hike Safe outreach and educational program to help prepare the public for a safe mountain experience and to reduce the number of Search and Rescue responses that are the result of ill prepared outdoor enthusiasts. NHFG requests an option to extend this **sole source** contract for an additional year based upon continued appropriations. **100% Federal.**
- Authorized to hold the 15th annual Discover Wild NH Day at its headquarters building in Concord, NH, on April 24, 2004 from 10am-3pm. Cost of supplies, tent rental, publicity and other items necessary to run the event not to exceed \$4,700. **100% Fish and Game.**
- 442 Authorized to pay the Atlantic States Marine Fisheries Commission, Washington, DC, \$14,765 annual assessment. Effective upon G&C approval through June 30, 2004. **100% Fish and Game Funds.**
- Authorized to enter into a contract with Andrews Construction Co., Inc., Campton, NH, to provide sewer force main and pump station construction at the NH Fish Hatchery, New Hampton, NH, in an amount not to exceed \$33,500. Effective upon G&C approval through May 21, 2004. **100% Fish and Game.**
- Authorized to enter into an agreement with Roger Stephenson, Stephenson Strategic Communications, for fundraising efforts for the Non-game and Endangered Wildlife Program, in an amount not to exceed \$16,400. Effective upon G&C approval through September 1, 2004. **100% Other.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- #45 Authorized to accept and place on file the report and budget on the Milfoil and Other Exotic Aquatic Plants Prevention Grant Fund for 2003. **Informational Item.**
- Authorized to accept and expend \$55,136 in federal flow through funds from the Office of Energy and Planning, for the NH Shellfish Program. Effective **retroactively** from January 1, 2004 to December 31, 2004.
- #47 Authorized to **retroactively** amend a Water Supply Land Grant to the City of Dover, NH, (previously approved by G&C on 6-25-03, item #150), to purchase two parcels of land in the source water protection areas to protect water supply land, by extending the completion date to June 30, 2004 from December 31, 2003.
- 448 Authorized to award a Local Source Water Protection grant to the City of Portsmouth, NH, to complete a project to protect drinking water from contamination, in the amount of \$4,000. Effective upon G&C approval through December 31, 2004. **100% Federal Funds.**
- #49 Authorized to amend the loan agreement with the City of Somersworth, NH, for the purpose of improving the City's sewerage system, by increasing the loan by \$2,000,000 from \$10,000,000 to \$12,000,000.
- #50 Authorized supplemental loan agreement with the City of Nashua, NH to produce an amortization schedule for the \$90,000 loan to the City. Effective upon G&C approval.
- Authorized supplemental loan agreement with the Town of Woodstock (previously approved by G&C on 7-16-03, item #89), to provide for amortization of the loan and a repayment schedule for the Town, in the amount of \$1,054,063.83. Effective upon G&C approval.
- #52 Authorized Chris Bellmare's request to construct two landings connecting a set of stairs to a pier supported by pilings leading to a ramp and a float on frontage along the Little Bay in Newington.

- #53 Authorized Richard Vanlandingham's request to construct a pier supported by pilings leading to a ramp and a float on frontage along the Piscatagua River in Dover.
- #54 Authorized Mary Jo Haskell's request to remove 3 existing floats and construct a landing and a set of stairs connecting to a pier supported by pilings leading to a ramp and a float on frontage on property located along the Little Bay in Newington.

#55-#57 NOT USED

DEPARTMENT OF EDUCATION

The Governor and Council acted as follows:

- #58 Authorized to pay the FY 2004 SREB-State Vocational Educational Consortium Membership Fee to the Southern Regional Education Board for the purpose of joining the High Schools That Work network that engages state, district, school leaders, teachers, and the community to improve the way high school students are prepared for work and further education, in the amount of \$17,500. **81% Federal, 19% General.**
- #59 Authorized to budget and expend grant funds in the amount of \$50,000 from the Council of Chief State School Officers to design a professional development plan for arts integration. Effective upon G&C approval through June 30, 2005. **100% Other Funds.**
- #60 Authorized to exercise its renewal option and enter into a contract with Lutheran Community Services, Concord, NH, (previously approved by G&C on 3-5-03, Late Item #D), to continue a Refugee Education and Assistance Liaison office in the Laconia area for refugee children. Effective upon G&C approval through January 31, 2006. (2)Further Authorized to make an advance payment of \$15,000 upon approval of the contract. (3)Further Authorized to withhold 5% of the contract total instead of the 25% withholding provision of the contract price in accordance with Administrative Rules 311.07(a)(5). **100% Federal Funds.**

NH COMMUNITY TECHNICAL COLLEGE SYSTEM

#61 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Wieczorek, authorized to **retroactively** enter into an agreement with the Workforce Opportunity Council, Inc., to carry out the duties and responsibilities as the administering entity as detailed in the Workforce Investment Act and for other such state and federal programs that complement the Act. Effective January 1, 2004 through December 31, 2005. (2)Further Authorized to pay over to the WOC, upon receipt, the amounts made available by the US Department of Labor under all provisions of the Workforce Investment Act and for other such state and federal programs that complement the Act. **No Cost.**

POLICE STANDARDS & TRAINING COUNCIL

#62 The Governor and Council on motion of Councilor Griffin, seconded by Councilor Wheeler, authorized to accept and expend \$22,000 in federal funds from the US Attorney's Office in Concord, NH, to purchase a cargo van that will be used to transport a "model city simulator" to regional locations around the state. The model city is designed to train police officers in Command Post Operations and Incident Command System, and is a critical part of the Agency's efforts to enhance law enforcement response to homeland defense incidents. **100% Federal Funds.**

CHRISTA MCAULIFFE PLANETARIUM

- Authorized to enter into a contract with The Troupe, a division of Orth Tec Corporation, Windham, NH, to produce still graphics, video animations and the soundtrack for the Christa McAuliffe Planetarium's multi-media planetarium show, Breathing Space, in an amount not to exceed \$29,450. Effective upon G&C approval through July 31, 2004. **100% Federal Funds.**
- #64 Authorized to enter into a contract with Charles H Martone, Concord, NH, to write associated curriculum for the multi-media planetarium show Breathing Space, in an amount not to exceed \$10,500. Effective upon G&C approval to July 31, 2004. **100% Federal Funds.**

DEPARTMENT OF SAFETY

The Governor and Council acted as follows:

- Authorized Division of Fire Safety and Emergency Management, Bureau of Emergency Management to hold a workshop for "Advanced Incident Command System" on February 10, 11, and 12, 2004 at the EF Lane Hotel, Keene, NH, for a total cost not to exceed \$8,374.20. (2)Further Authorized a contract with EF Lane Hotel, Keene, NH, for a function room, meals, and rooms in the amount of \$8,374.20. Effective upon G&C approval through February 12, 2004. **100% Federal.**
- Authorized Division of State Police, to accept and expend a \$12,929.98 grant from the NH Highway Safety Agency, titled "NH State Police Forensic Laboratory Computer Software". Effective upon G&C approval through September 15, 2004. **100% Federal.**
- #67 Authorized Division of State Police to accept and expend a Cops (Community Oriented Policing Services) grant from the US Department of Justice in the amount of \$396,924. Effective upon G&C approval through February 20, 2004. **100% Federal.**
- #68 **WITHDRAWN** The agency withdrew the request to **retroactively** reimburse the City of Concord, NH, for expenses incurred in developing and conducting a response Weapons of Mass Destruction full scale exercise on October 19, 2003, in the amount of \$19,772.83. **100% Federal.**
- #68A Authorized Division of Fire Safety to enter into an agreement with MWH Preservation LTD Partnership, dba The Mount Washington Hotel and Resort, to hold a National Fire Protection Association "Risk Watch" training session, in the amount of \$20,570. Effective January 21, 2004 through January 23, 2004. **100% Federal.**
- #68B Authorized Division of Fire Safety and Emergency Management, Bureau of Emergency management to accept and expend Map Modernization funds from the Federal Emergency Management Agency to produce a 5-year Business Plan for multi-hazard flood map modernization, in the amount of \$30,000. (2)Further Authorized a **sole source** contract with Dewberry-Goodkind Inc., to produce a 5-year Business Plan for multi-hazard flood map modernization, in the amount of \$30,000. Effective upon G&C approval through June 30, 2004.

DEPARTMENT OF TRANSPORTATION

- #69 Authorized the Bureau of Right-of-Way petition for a hearing on alterations to NH Route 28 in the Town of Londonderry, NH, as detailed in letter dated December 17, 2003. (2)Further Authorized to appoint a commission to hold the hearing, and, if the necessity is found, to layout the new highway at this location, for a suggested budget of \$3,216.
- #70 Authorized to accept and place on file the Bureau of Right of Way's Contemplated Award List for the period December 18, 2003 through December 29, 2003.
- #71 Authorized to enter into a memorandum of agreement with Iowa Department of Transportation, Ames, IA, to provide the State's share of the operational costs for the 511 Travel Information Number through June 2005.
- #72 Authorized Bureau of Information Technology Services to enter into High Speed Internet Agreements with a number of DSL and Cable Internet Providers in the State of NH, at an estimated cost of \$76,552.95 for FY 2004 and \$52,947 for FY 2005. Effective January 7, 2004 through December 31, 2008, and allowing the Department to continue these agreements annually thereafter.
- #73 Authorized Bureau of Rail & Transit to enter into a lease agreement with the City of Laconia, NH, for land on the State-owned Concord to Lincoln railroad corridor in Laconia for considerations received for twenty-five years and negotiable for an additional twenty-five year period.
- #74 Authorized Bureau of Right of Way to sell a 3,000 square foot parcel of land improved with a one-story commercial office building in Tilton to Dionysious Katsigiannis for \$90,000.

#75 Authorized to accept and place on file the Annual Report for the fiscal year ending June 30, 2003. **Informational Item.**

#76 Authorized Construction Bureau to increase the contract amount with RS Audley, Inc., Bow, NH, (previously approved by G&C on 3-2002, item #126), for pavement rehabilitation, bridge rehabilitation work on 7 bridges, replacing signing, lighting and conduit installation of I-393, by \$638,000 from \$6,113,889.76 to \$6,751,889.76.

#76A Authorized Bureau of Construction contract with Weaver Brothers Construction, Co., Inc., on the basis of a low bid of \$665,424.50, this project is located on US Route 3/NH 11 beginning west of the I-93 interchange at Exit 20 and continues east matching the westerly limit of the recent Exit 20 project, which involves roadway widening and reconstruction (including the removal of the concrete slab), new sidewalk, curbing and drainage work. (2)Further Authorized to receive \$90,000 from Retail Management Development, Inc., as a condition of their drive permit, to mitigate for impacts associated with sire development for a Market Basket facility constructed in close proximity to this project. Effective upon G&C approval through July 24, 2004.

BUSINESS FINANCE AUTHORITY

#77 The Governor and Executive Council on motion of Councilor Griffin, seconded by Councilor Wieczorek and further on a roll call vote as follows: Councilor Burton – yes, Councilor Spaulding – yes, Councilor Griffin – absent, Councilor Wieczorek – yes, and Councilor Wheeler – yes, authorized to hold a <u>Public Hearing</u> with respect to the financing of a loan to Seacoast Business Alliance Corporation for the benefit of Foss Manufacturing Company, Inc. located in Hampton, NH. Action will Authorized a Resolution under RSA 162-A:18 to determine the financing will serve a public use, provide public benefit and is within the policy and authority of the Act.

EXTRACT FROM THE MINUTES OF THE MEETING OF THE GOVERNOR AND COUNCIL HELD ON JANUARY 21, 2004 COUNCIL CHAMBER, CONCORD, NEW HAMPSHIRE

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At approximately 11:00 a.m., the Governor announced that the next matter to be considered would be the purchase by the Business Finance Authority of a loan to be made by Seacoast Business Alliance Corporation and declared that the public hearing on the subject had commenced. He said that he and the members of the Council had received written material from the Authority with respect to the proposed loan. The Governor then said that the meeting would hear anyone wishing to speak on the subject. Jack Donovan, Executive Director of the Authority, briefly explained the project and introduced Daniel Gray, Managing Director of Seacoast Business Alliance Corporation, Fred Rice, Vice Chairman of Seacoast Business Alliance Corporation, and Steven Ross of Foss Manufacturing Co., Inc. The Governor then repeated that the proceedings were a public hearing and asked whether any other person wished to speak; there being none, Councilor Griffin introduced a resolution entitled "A RESOLUTION UNDER RSA 162-A:18 AWARDING A LOAN PURCHASE UNDER RSA 162-A:7 WITH RESPECT TO A CERTAIN LOAN TO SEACOAST BUSINESS ALLIANCE CORPORATION" and moved its adoption, which was seconded by Councilor Wieczorek. There being no discussion, the Governor called for a vote on the motion. Those voting in favor were: The Governor and Councilor Burton, Councilor Spaulding, Councilor Griffin, Councilor Wieczorek, and Councilor Wheeler; those abstaining were Councilor(s): None; and those voting against were Councilor(s): None. The Governor declared that the resolution was passed.

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A RESOLUTION UNDER RSA 162-A:18 AWARDING A LOAN UNDER RSA 162-A:7 FROM THE BUSINESS FINANCE AUTHORITY OF THE STATE OF NEW HAMPSHIRE TO SEACOAST BUSINESS ALLIANCE CORPORATION

WHEREAS, the Governor and Council (the "Governor and Council") of the State of New Hampshire (the "State") have received from the Business Finance Authority of the State of New Hampshire (the "Authority") its written recommendation that the Governor and Council make certain findings and determinations pursuant to RSA 162-A:18 with respect to a loan by the Authority to Seacoast Business Alliance Corporation (the "Borrower") in the original principal amount of up to \$3,000,000 to provide refinancing of debt and working capital for Foss Manufacturing Co., Inc., of Hampton, New Hampshire (the "Loan")

WHEREAS, pursuant to the provisions of RSA Chapter 162-A, the Governor and Council is authorized to approve the recommendation of the Authority and to authorize and approve the Loan by the Authority upon the making of specific findings after public hearing;

WHEREAS, the Governor and Council will receive all the documentation and information with respect to the proposed Loan by the Authority; and

WHEREAS, further action by the Authority with respect to the proposed transaction is subject to the passage of this Resolution and cannot be taken until after its passage.

NOW, THEREFORE, it is hereby resolved that:

- 1. <u>Findings and Determination</u>. On the basis of the documentation and information received by the Governor and Council, after a public hearing, the Governor and Council find:
 - a. <u>Special Findings</u>.
 - (i) The Loan in consistent with local or regional development plans or policies.
 - b. <u>General Findings</u>.
 - (i) The Loan that the Authority has proposed will serve a public use and provide a public benefit.
 - (ii) The Loan that the Authority has proposed is within the policy of, and the authority conferred, by RSA Chapter 162-A.
 - (iii) The Loan that the Authority has proposed will preserve or increase the social welfare or economic prosperity of the State and one or more of its political subdivisions, and will promote the general welfare of the State's citizens.
 - (iv) The Loan that the Authority has proposed will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.
- 2. <u>Approval</u>. Governor and Council approve the Loan by the Authority as recommended by the Authority and authorize the Authority to cause the execution and delivery of the loan documents substantially in the form submitted to Governor and Council and to take such further action as the act with respect to the transaction as may be required.
 - 3. <u>Effective Date</u>. This Resolution shall take effect upon its passage.

Passed and agreed to January 21, 2004.

#78 TUITION REQUESTS

The Governor and Executive Council on motion of Councilor Burton, seconded by Councilor Wieczorek, and with Councilor Wheeler voting – **no to all**, authorized the requests:

- **A. COMMUNITY TECHNICAL COLLEGE -** Request permission to pay Vermont College, Montpelier, VT, the sum of \$1,380.00 for the sole purpose of enrolling Rebecca Dodge, Assistant Professor, in the on-line course entitled "Adult Learning and Development".
- **B. COMMUNITY TECHNICAL COLLEGE -** Request permission to pay the University of New Hampshire, Durham, NH, the sum of \$870.00 for the sole purpose of enrolling Stephen Ryan, Professor, in the course entitled "Computational Fluid Dynamics".
- C. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families Request permission to pay New Hampshire Community Technical College, Laconia, NH, the sum of \$826.00 for the sole purpose of enrolling Deborah Holden, Fiscal Specialist I, in the courses entitled "Political and Social Issues of Human Service" and "Introduction to Sociology".
- **D. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families -** Request permission to pay Springfield College, Manchester, NH, the sum of \$1,524.00 for the sole purpose of enrolling Wendy Keith, Child Protective Service Worker II, in the courses entitled "Leadership: A Lifelong Journey" and "Strategic Planning".
- **E. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families -** Request permission to pay Springfield College, Manchester, NH, the sum of \$1,905.00 for the sole purpose of enrolling Anna Phinney, Child Protective Service Worker II, in the courses entitled "Economics of Change" and "Project III".
- **F. HEALTH & HUMAN SERVICES, Division for Children, Youth & Families -** Request permission to pay Plymouth State University, Plymouth, NH, the sum of \$985.00 for the sole purpose of enrolling Merrill Santy, Child Protective Social Worker II, in the course entitled "Assessment & Consultation".
- **G. HEALTH & HUMAN SERVICES, Office of Community & Public Health -** Request permission to pay New Hampshire Community Technical College, Manchester, NH, the sum of \$452.00 for the sole purpose of enrolling Ann D'Ovidio, Program Specialist III, in the course entitled "Typography Design & Layout".

- **H. HEALTH & HUMAN SERVICES, Office of Community & Public Health -** Request permission to pay the University of New Hampshire, Manchester, NH, the sum of \$2,358.00 for the sole purpose of enrolling Donna Fleming, Supervisor IV, in the courses entitled "Public Health Epidemiology" and "Public Health Biostatistics".
- **I. JOINT BOARD -** Request permission to pay New Hampshire Technical Institute, Concord, NH, the sum of \$429.00 for the sole purpose of enrolling Julie Levesque, Senior Accounting Technician, in the course entitled "PC Applications".
- J. NH HOSPITAL Request permission to pay New Hampshire Technical Institute, Concord, NH, the sum of \$429.00 for the sole purpose of enrolling Tammy Beaudoin, Mental Health Worker II, in the course entitled "Math for Allied Health".
- **K. NH HOSPITAL -** Request permission to pay New Hampshire Technical Institute, Concord, NH, the sum of \$1,197.00 for the sole purpose of enrolling Philip Mbata-Aboro, Mental Health Worker II, in the courses entitled "Introduction to Psychology", "Interviewing: Process & Techniques" and "Group Counseling".
- **L. NH HOSPITAL -** Request permission to pay New Hampshire Technical Institute, Concord, NH, the sum of \$429.00 for the sole purpose of enrolling Christina Paddock, Mental Health Worker II, in the course entitled "Math for Allied Health".
- **M. TRANSPORTATION** Request permission to pay the College for Lifelong Learning, Concord, NH, the sum of \$728.00 for the sole purpose of enrolling David Chandler, Chief of Labor Compliance, in the courses entitled "Critical Thinking" and "Introduction to Meterology".
- **N. TRANSPORTATION** Request permission to pay University of Massachusetts, Lowell, MA, the sum of \$272.88 for the sole purpose of enrolling Eric Thibodeau, Civil Engineer IV, in the courses entitled "Geotechnical & Environmental Site Characterization" and "Soil Behavior".
- **O. TRANSPORTATION** Request permission to pay New Hampshire Technical Institute, Concord, NH, the sum of \$357.00 for the sole purpose of enrolling Tim Young, Bridge Maintainer I, in the course entitled "Elementary Functions".

LATE ITEMS

DEPARTMENT OF EDUCATION

A. Authorized to establish one Administrator II (LG 29), one Education Consultant II (LG 27), and one Program Assistant II (LG 15) positions through June 30, 2005, as specified in letter dated December 17, 2003. Fiscal Committee approved. 100% Federal Funds. **Fiscal Committee approved.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

B. Pursuant to the provisions of RSA 94:1-a III, Authorized the New Hampshire Department of Environmental Services to increase the salary of the Director of the Waste Management Division to \$71,594.00 Step HH-2, placing him at an annual salary of not more than \$1,000 than a subordinate classified employee. We request this increase to be retroactively effective to December 3, 2003.

COMMUNITY TECHNICAL COLLEGE SYSTEM

C. Authorized to retroactively enter into a sole source agreement with the Education Development Center, Inc., Newton, MA, to collect, analyze, and disseminate biomanufacturing industry information about occupational and skill competency needs and to establish a contract encumbrance in the amount of \$128,511 with the authority to adjust through the budget office between fiscal years if needed. Effective October 22, 2003 through October 22, 2004. 100% Federal.

- **D**. Authorized to establish two Teacher Assistant positions, two Program Specialist III positions, two Tech Support Specialist I positions, one Statistician II position, one Secretary II position, and one Consultant position through June 30, 2005, as specified in letter dated December 17, 2003. Fiscal Committee approved. 100% Federal Funds.
- **E**. Authorized to establish one Education Consultant III position and one Consultant position through June 30, 2005, as specified in letter dated December 17, 2003. Fiscal Committee approved. 100% Federal Funds.

HEALTH AND HUMAN SERVICES

- **F**. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with White Mountain Community Health Center, Conway, NH, (previously approved by G&C on 6-25-03, item #233B), to provide primary care services, by increasing the price limitation by \$166,100 from \$527,006 to \$693,106. Effective upon G&C approval through June 30, 2005. 100% General.
- G. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Avis Goodwin Community Health Center, Dover, NH, (previously approved by G&C on 6-25-03, item #239), to provide primary care services, by increasing the price limitation by \$243,100 from \$1,222,755 to \$1,465,855. Effective upon G&C approval through June 30, 2005. 100% General.
- H. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Ammonoosuc Community Health Services, Littleton, NH, (previously approved by G&C on 6-25-03, item #222), to provide primary care services, by increasing the price limitation by \$119,500 from \$944,151 to \$1,063,651. Effective upon G&C approval through June 30, 2005. 100% General.
- I. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Coos County Family Health Services, Berlin, NH, (previously approved by G&C on 6-25-03, item #198), to provide primary care services, by increasing the price limitation by \$102,000 from \$426,811 to \$528,811. Effective upon G&C approval through June 30, 2005. 100% General.
- J. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Health First Family Care Center, Franklin, NH, (previously approved by G&C on 6-25-03, item #242), to provide primary care services, by increasing the price limitation by \$111,400 from \$603,204 to \$714,604. Effective upon G&C approval through June 30, 2005. 100% General.
- **K**. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Child Health Services, Manchester, NH, (previously approved by G&C on 7-16-03, item #110), to provide child health services, by increasing the price limitation by \$82,000 from \$501,459 to \$584,259. Effective upon G&C approval through June 30, 2005. 100% General
- L. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Families First of the Greater Seacoast, Portsmouth, NH, (previously approved by G&C on 6-25-03, item #199), to provide primary care services, by increasing the price limitation by \$152,300 from \$367,556 to \$519,856. Effective upon G&C approval through June 30, 2005. 100% General.
- M. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Manchester Community Health Center, Manchester, NH, (previously approved by G&C on 6-25-03, item #200), to provide primary care services, by increasing the price limitation by \$204,700 from \$399,954 to \$604,654. Effective upon G&C approval through June 30, 2005. 100% General.
- N. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Concord Hospital, Concord, NH, (previously approved by G&C on 6-25-03, item #221), to provide primary care services, by increasing the price limitation by \$364,300 from \$989,836 to \$1,354,136. Effective upon G&C approval through June 30, 2005. 100% General.

- **O**. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Lamprey Health Care, Newmarket, NH, (previously approved by G&C on 6-25-03, item #233C), to provide primary care services, by increasing the price limitation by \$508,700 from \$1,528,176 to \$2,036,875. Effective upon G&C approval through June 30, 2005. 100% General.
- **P**. Authorized Bureau of Maternal & Child Health to amend a sole source agreement with Valley Regional Healthcare, Inc., Claremont, NH, (previously approved by G&C on 6-25-03, item #233D), to provide primary care services, by increasing the price limitation by \$145,100 from \$431,016 to \$576,116. Effective upon G&C approval through June 30, 2005. 100% General

DEPARTMENT OF TRANSPORTATION

Q. Authorized Bureau of Right of Way to sell .63 of an acre of land to Gerald Q Nash for \$3,000.

ITEMS REMOVED FROM TABLE

The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Wheeler, voted to remove item #70 – which was tabled at the January 7, 2004 meeting.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

New Hampshire Hospital

#70 The Governor and Council on motion of Councilor Spaulding, seconded by Councilor Griffin, voted to approve the request to enter into a contract with Sodexho Operations, LLC, Gaithersburg, MD, to provide the purchase of food and food related products and the lease of services, systems and equipment for the Hospital's Food and Nutrition and Environmental Services departments, in the amount of \$2,352,006.14. Effective **retroactive** to January 1, 2004 through June 30, 2006. **71.54% General Funds, 28.46% Other.**

The Governor and Council on motion of Councilor Wheeler, seconded by Councilor Burton, voted to remove item #5– which was tabled at the January 7, 2004 meeting.

OFFICE OF ENERGY AND PLANNING

#5 The Governor and Council on motion of Councilor Griffin, seconded by Councilor Wheeler, voted to approve the request to enter into an agreement with The Nature Conservancy, Concord, NH, for ecological inventories that will facilitate land protection activities around Great Bay, in the amount of \$23,000. Effective upon G&C approval to December 31, 2004. **Federal Funds.**

Next Governor and Executive Council meeting is scheduled for Wednesday, February 11, 2004 at 10:00 a.m. at the State House in Concord, NH.

The Honorable Board then Adjourned